

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: CRUDE OIL COMMODITY
FUTURES LITIGATION

ECF CASE

Master File No.
11 cv 3600 (WHP)

THIS DOCUMENT RELATES TO:

ALL ACTIONS

**NOTICE OF MOTION TO DISMISS
THE CONSOLIDATED AMENDED
CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE THAT upon the accompanying Memorandum of Law and Declaration of Timothy J. Carey, dated August 7, 2012, along with the exhibits attached thereto, Defendants Parnon Energy Inc., Arcadia Petroleum Ltd., Arcadia Energy (Suisse) SA, Nicholas J. Wildgoose and James T. Dyer, will move this Court, before the Honorable William H. Pauley III at Room 11D, United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, at a date and time determined by the Court, for an Order dismissing Plaintiffs' Consolidated Amended Class Action Complaint in its entirety for failure to state a claim on which relief can be granted pursuant to Federal Rules of Civil Procedure 8 and 12(b)(6), and for such other relief as the Court may deem just and proper.

Dated: August 7, 2012

Respectfully submitted,

By: /s/ Timothy J. Carey
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